

July 30, 2019

VIA ECF

Honorable Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *Polaris Images Corporation v. CBS Interactive, Inc.*, 1:19-cv-03670 (VEC)

Dear Judge Caproni:

We represent Plaintiff Polaris Images Corporation (“Plaintiff”) in the above-captioned case. We write in response to Defendant CBS Interactive, Inc. (“Defendant”)’s letter, dated July 30, 2019 [Dkt. #10].

With respect to Defendant’s claims that Plaintiff has “violated” the Court’s order by not producing licensing documents or taking steps to initiate mediation, the Court should take notice that defense counsel did not file a Notice of Appearance in this case until today, July 30, 2019 [Dkt. #12]. The Court’s Mediation Referral Order, as we understand it, requires that a defendant make an appearance in the case and manifest an intent to defend the action before mediation can take place. We regard licensing information as confidential and have never produced documents to a corporate defendant that has failed to make an appearance through counsel. Moreover, it would be counter-productive to initiate a mediation session when the defendant has yet to appear.

With respect to proof of service, while we admit that the proof of service was filed untimely, we did file the certificate in this case after the Court notified this office in another unrelated matter that proof of service was untimely. Accordingly, we have made a good faith attempt to comply “across the board” with the Court’s mediation referral order and will continue to do so in the future.

Respectfully Submitted,

/richardliebowitz/
Richard Liebowitz

Counsel for Plaintiff